

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 536-5693** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

**ACTION
AGENDA**

**CITY COUNCIL/REDEVELOPMENT AGENCY
CITY OF HUNTINGTON BEACH**

MONDAY, DECEMBER 16, 2002

**5:00 P.M. - Room B-8 – Closed
Session**

7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8 for Closed Session

Call City Council/Redevelopment Agency Meeting to Order

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy
Present – Sullivan absent

Public Comments Regarding Closed Session Items
None

Call Closed Session of City Council/Redevelopment Agency
Approved 6-0-1 (Sullivan absent)

Recommended Action: Motion to recess to Closed Session on the following items :

(City Council) Closed Session – Pursuant to Government Code Section 549527.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; Clay Martin, Director of Administrative Services; Jim Engle, Acting Director of Community Services; and Steven M. Berliner, Esq. of Liebert Cassidy Whitmore regarding **Labor relations matters – meet and confer with the following employee organizations: PMA, POA, MSOA, FMA, FFA, HBMEA, HBMEQ, and SCLEA.** (120.80)

(Closed Sessions continued on the next page)

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDA IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**
<http://www.ci.huntington-beach.ca.us>

- (1) **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. **The title of the litigation is Mesa Construction Projects, Inc. v. City of Huntington Beach.** Orange County Superior Court Case No. 02CC02620. (120.80)
- (2) **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. **The title of the litigation is Huntington Beach City Council v. Rosalyn Lever, Registrar of Voters, and Scott Baugh.** Orange County Superior Court Case No. 02CC14276. (120.80)
- (3) **City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. **The title of the litigation is City of Huntington Beach v. Huntington Beach Police Officers' Association.** United States District Court, Case No. SA 01-1125 GLT. (120.80)
- (4) **(City Council) Closed Session** - Pursuant to Government Code Section 54956.9 (c) to confer with its attorney regarding pending litigation. Based on facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation. **Number of Potential Cases: One. Subject: Potential Litigation.** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:00 P.M. - Council Chambers

Mayor Boardman announced to the public the availability of sandbags at the City Yard (free of charge) or for nominal charge at HOME DEPOT. For emergencies call Police Department – non-emergency phone 714-960-8811.

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**
City Attorney Jennifer McGrath announced a settlement agreement relative to Closed Session Item No. 4.

Roll Call Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

Pledge of Allegiance – ***Led by newly elected Councilmembers Coerper, Hardy, Green, and Sullivan.***

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. (2) Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

City Clerk announced Late Communications on Agenda Items on the Closed Session; C-3a; C-3b; D-1; F-1; F-3 through F-8; H-1a.

Presentation - By Mayor Connie Boardman, of Certificates to Huntington Beach businesses that received a WRAP award (Waste Reduction Award Program). This award is given through the State of California Integrated Waste Management Board. The following businesses will be recognized:

Albertsons	Jim Osiecki and John Oborny, Store Managers, Albertsons and Savon
Ecology Tires	Mike Ramsey, President
Target	Michael Karrer, Sales Executive
Vons	Dave Kiernan, Store Manager

Unable to send a representative, but business also receiving the WRAP award are Planet Squared and Mervyn's.

Mayor's Award

To Elaine Kuhnke, Senior Department Analyst – For her valuable work in the City Administrator's Office and for the City Council.

B. PUBLIC COMMENTS

Hello and welcome to the Huntington Beach City Council meeting.

If you would like to address the Council please fill out the pink public comment sheet. After completing the form, hand it to the Sergeant at Arms and he will give it to the City Clerk. Council members strive to treat members of the public with respect and we ask that you also express your concerns and opinions in a civil and respectful manner.

Due to the Brown (Open Meeting) Act, the City Council may not discuss items unless they are on our agenda. So if you are speaking on an item not on the agenda, we cannot discuss the issue with you at this meeting. However, if you wish to meet with any of us please call the Council's Secretary at 714-536-5553. Thank you for taking the time to come to the council meeting to address the council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

1. ***Two speakers opposed to continuing the DARE Program and in favor of Agenda Item F-1.***
2. ***Speaker on behalf of property owner who he believes is having a senior residential complex built on property that she owns.***
3. ***Speaker requesting Council to assist with a property problem she has in litigation with the City.***
4. ***Student speaker in opposition to Agenda Item F-1 DARE Program discontinuation and requested additional semester of funding until private funding can be found.***
5. ***Speaker offered Invocation due to absence of the Invocation from the Agenda.***
6. ***Speaker expressed appreciation to the four outgoing Councilmembers for their service and also congratulated the newly elected Councilmembers. He also extended appreciation to the Councilmembers who did not get elected who had good ideas.***
7. ***Speaker informed Council of the PRIDE Foundation and its work to fight substance abuse. He requested that Council use the PRIDE Funds.***

Mayor announced that the DARE Program funding Council approved in the past will last through the next semester.

C-1. Council Committee/Council Liaison Reports

C-1a. (City Council) Participate in Lot Drawing per Huntington Beach Municipal Code 2.111.060 for the Selection of Vacancies to the Public Works Commission to Change from a Majority to an Individual Appointment Basis (.)

Communication from Mayor Connie Boardman transmitting that appointments to the Public Works Commission are currently in process of changing from a majority City Council appointment to an individual appointment based on City Council action taken in December 2000. The terms for Public Works Commissioners Hartge and Piechota have expired based on the expiring terms of past City Council Members Bauer and Dettloff. According to Municipal Code 2.111.060, selection for these vacancies shall be by lot drawn among the remaining Councilmembers.

Recommended Action:

At the December 16, 2002 meeting, each of the four new Councilmembers will participate in the lottery.

Those who draw the first two numbers will be eligible to appoint a new commissioner that evening or at the meeting of January 6, 2003.

Those Councilmembers drawing the last two numbers will be eligible to make their appointment at the June 16, 2003 meeting for service to begin in July 2003.

Councilmember Sullivan announced his appointment of Chuck Scheid to the Public Works Commission.

Councilmember Hardy will announce her appointment at a later date.

C-1b. (City Council) Approve City Council Liaison Appointments for Citizen Boards, Commissions, Committees, and Task Forces for the Year 2003 (.)

Communication from Mayor Connie Boardman transmitting the listing of Council Liaison and Council Committee Member assignments titled *City of Huntington Beach Citizen Boards, Commissions, Committees, and Task Forces (Citizen Members Appointed to Four Year Terms)*.

Recommended Action: Motion to:

Approve the listing of Council Liaison and Committee assignments titled *City of Huntington Beach Citizen Boards, Commissions, Committees, and Task Forces (Citizen Members Appointed to Four Year Terms)*.

Approved 7-0

C-1c. (City Council) Announcement by Mayor Connie Boardman of Individual Appointment of Mary-Ellen Cianciabella, Replacing Sally Alexander to the Fourth of July Board (110.20)

Mayor Pro Tem Connie Boardman will announce her appointment of Mary-Ellen Cianciabella, replacing Sally Alexander to the Fourth of July Board.

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Mayor Connie Boardman of **Mary-Ellen Cianciabella**, replacing Sally Alexander to the Fourth of July Board.

Approved 7-0

C-1d. (City Council) Announcement by Mayor Pro Tem Cathy Green of Individual Appointments of: 1.) Mike Ali to the Fourth of July Board; 2.) Don Stanton to the Planning Commission; 3.) Tom Livengood to the Finance Board; and 4.) Walt Bausman to the Investment Advisory Board (110.20)

Mayor Pro Tem Cathy Green will announce her individual Board and Commission appointments as follows (appointment to the Public Works Commission may be announced).

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Mayor Pro Tem Cathy Green of **1.) Mike Ali** to the Fourth of July Board; **2.) Don Stanton** to the Planning Commission; **3.) Tom Livengood** to the Finance Board; and **4.) Walt Bausman** to the Investment Advisory Board.

Approved 7-0

C-1e. (City Council) Announcement by Councilmember Gil Coerper of Individual Appointments of: 1.) Margie Bunten to the Fourth of July Board; 2.) Keith Bohr to the Planning Commission; and 3.) Diann Shelton to the Investment Advisory Board (110.20)

Councilmember Gil Coerper will announce his individual Board and Commission appointments as follows (appointment to the Public Works Commission may be announced).

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Councilmember Gil Coerper of **1.) Margie Bunten** to the Fourth of July Board; **2.) Keith Bohr** to the Planning Commission; and **3.) Diann Shelton** to the Investment Advisory Board.

Approved 7-0

Councilmember Coerper announced his Finance Board appointment to be made later.

C-1f. (City Council) Announcement by Councilmember Jill Hardy of Individual Appointments of: 1.) Karen Pederson to the Fourth of July Board and 2.) Steve Ray to the Planning Commission (110.20)

Councilmember Jill Hardy will announce her individual Board and Commission appointments as follows (appointment to the Investment Advisory Board and the Public Works Commission may be announced).

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Councilmember Jill Hardy of **1.) Karen Pederson** to the Fourth of July Board; **2.) Steve Ray** (after resignation from the Citizen Participation Advisory Board) to the Planning Commission.

Approved 7-0

Councilmember Hardy announced she is looking for an appointee to the Investment Advisory Board.

C-1g. (City Council) Announcement by Councilmember Pam Houchen of Individual Appointment of Pat Stier to the Fourth of July Board (110.20)

Councilmember Pam Houchen will announce her individual appointment of Pat Stier to the Fourth of July Board

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Councilmember Pam Houchen of **Pat Stier** to the Fourth of July Board.

Approved 7-0

C-1h. (City Council) Announcement by Councilmember Dave Sullivan of Individual Appointments of: 1.) Diane Heyden to the Fourth of July Board; 2.) Bob Dingwall to the Planning Commission; 3.) Gerald Chapman to the Finance Board; and 4.) Ed Kerins to the Investment Advisory Board (110.20)

Councilmember Dave Sullivan will announce his individual Board and Commission appointments as follows (appointment to the Public Works Commission may be announced).

Recommended Action: Motion to:

Direct the City Clerk to make record in the minutes to reflect the appointment by Councilmember Dave Sullivan of **1.) Diane Heyden** to the Fourth of July Board; **2.) Bob Dingwall** to the Planning Commission; **3.) Gerald Chapman** to the Finance Board; and **4.) Ed Kerins** to the Investment Advisory Board.

Approved 7-0

C-2. City Administrator's Report

Assistant City Administer Workman extended a reminder to "Shop Huntington Beach" and wished Council a Happy Holiday.

C-3a. (City Council/Redevelopment Agency) – Adopt Council Resolution No. 2002-128 and Agency Resolution No. 342 – Approving and Adopting the 2002/2003 Investment Policy – City Treasurer (310.20)

Communication from the City Treasurer informing Council/Agency that Agency shall render an Annual Statement of Investment Policy to the legislative body for acceptance. The City Treasurer, with the assistance of the Investment Advisory Board, has prepared an updated investment policy.

Recommended Action: Motion to:

1. City Council Recommended Action: Motion to:

Approve and adopt **Resolution No. 2000-128** of the City Council of the City of Huntington Beach, approving the 2002/2003 Investment Policy. – *"A Resolution of the City Council of the City of Huntington Beach Approving the Statement of Investment Policy for 2002/2003."*

Adopted 7-0

and

2. Redevelopment Agency Recommended Action: Motion to:

Approve and adopt **Resolution No. 342** of the Redevelopment Agency of the City of Huntington Beach, approving the 2002/2003 Investment Policy. – *"A Resolution of the Redevelopment Agency of the City of Huntington Beach Approving the Statement of Investment Policy for 2002/2003."*

Adopted 7-0

C-3b. (City Council) Review and Accept Shari Freidenrich, City Treasurer's October 2002 Report Titled *City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity* (310.20)

Communication from City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for October 2002.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for October 2002*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

Approved 7-0

Recess City Council/Redevelopment Agency Regular Meeting

Call Annual Meeting of Huntington Beach Public Financing Authority to Order (125.35)

Roll Call of the Huntington Beach Public Financing Authority Members

Sullivan, Coerper, Green, Boardman, Cook, Houchen, Hardy

Present

Election of Officers – Motion to:

Elect Connie Boardman, Chair of the Huntington Beach Financing Authority; Cathy Green, Vice-Chair of the Huntington Beach Financing Authority and Connie Brockway, Secretary.

Approved 7-0

Approve Public Financing Authority Minutes – Motion to:

Approve and adopt minutes of the December 17, 2001 Annual Meeting; May 6, 2002 City Council/ Redevelopment Agency/Public Financing Authority Joint Meetings; and July 1, 2002 and October 21, 2002 Meetings of the Huntington Beach Public Financing Authority as written and on file in the Office of the Secretary. Submitted by the Secretary.

Approved 3-0-0-4 (Sullivan, Coerper, Hardy, Green abstain)

Adjourn the Huntington Beach Public Financing Authority Meeting.

Mayor will reconvene City Council/Redevelopment Agency Regular Meeting

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing to Consider Adoption of Emergency Ordinance No. 3596 – Zoning Text Amendment No. 02-05 (Citywide Park and Recreation Fee) Amending Section 230.30 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) – Adopt Resolution No. 2002-129 Relating to Park Fees (.)

Public hearing to consider:

Applicant: City of Huntington Beach, Planning Department.

Request: **Adopt Emergency Ordinance No. 3596** - To amend Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) to establish a Park Fee to be imposed on the construction of new floor area for all commercial and industrial development, and all residential development not covered by Section 254.08 of the ZSO.

A SECOND PUBLIC HEARING NOTICE WAS MAILED RE: ORDINANCE NO. 3594 INTERIM EMERGENCY ORDINANCE ADOPTED AT THE 11/18/02 MEETING:

Request: **Extend Emergency Interim Ordinance No. 3594** - To extend for an additional thirty (30) days Emergency Interim Ordinance No. 3594 adopted on November 18, 2002 amending Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) to establish a Park Fee to be imposed on the construction of new floor area for all commercial and industrial development, and all residential development not covered by Section 254.08 of the ZSO.

Location: Citywide.

Environmental Status: Notice is hereby given this agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

ON FILE: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, California 92648, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office on Friday, December 13, 2002.

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

Staff Recommendation:

1. Approve Zoning Text Amendment No. 02-05 with Findings for Approval (ATTACHMENT NO. 1) and adopt **Emergency Ordinance No. 3596** – “An *Emergency Ordinance of the City of Huntington Beach Zoning and Subdivision Ordinance*” amending Chapter 230 of the Huntington Beach Zoning and Subdivision Ordinance (ATTACHMENT NO. 2);
Approved and adopted 7-0

Five
Affirmative
Votes are
Required
for
Adoption of
this
Emergency
Ordinance
→

Six
Affirmative
Votes are
Required
for
Adoption of
this
Emergency
Ordinance
→

And

2. Adopt **Resolution No. 2002-129** – “A Resolution of the City Council of the City of Huntington Beach Relating to the Payment of a Park Fee Pursuant to Section 230.20 of the Huntington Beach Zoning and Subdivision Ordinance,” (repeals Resolution No. 6226). (ATTACHMENT NO. 4)
Adopted 7-0

D-2. (Redevelopment Agency) Public Hearing to Evaluate the Progress of the Five Year Implementation Plan (1999 to 2004) for the Huntington Beach Redevelopment Project Area (with Five Subareas of Main-Pier, Yorktown-Lake, Oakview, Huntington Center and Talbert-Beach (. .)

Public hearing to evaluate the progress of the Five Year Implementation Plan of the Redevelopment Agency of the City of Huntington Beach (1999-2004) for the Huntington Beach Redevelopment Project, that has five sub-areas: **Main-Pier, Yorktown-Lake, Oakview, Huntington Center, and Talbert-Beach**. California Community Redevelopment law 33490(c) requires that the Agency hold such hearing no earlier than two years and no later than three years after the adoption of the Implementation Plan.

The Five Year Implementation Plan covering the years from 1999 to 2004 was adopted by the Agency on December 20, 1999. The purpose of the plan is to identify the specific goals and objectives for the Huntington beach Project, describe the specific programs including potential projects and estimated expenditures that would be made during the five years, and explain how these activities will eliminate blight and improve and increase the supply of affordable housing for the very low, low, and moderate income households.

Interested persons may review a copy of the staff report summarizing the progress of the projects identified in the plan at: Reference Desk, Central Library, 7111 Talbert Street, or at City Hall, 2000 Main Street, in the City Clerk's Office (2nd Floor) and in the Department of Economic Development (5th Floor).

A notice of this hearing is to be published according to Government Code §6063 and must be posted in at least four permanent places within the project area for a period of three weeks as required by the California Community Redevelopment Law §33490(d).

All interested persons are invited to attend the hearing and express their opinions on the progress of the projects identified in the Five Year Implementation Plan. Direct your written comments to the Agency Clerk prior to the date and time set for the hearing. For further information, call the Department of Economic Development at (714) 536-5224.

5. Staff report
6. City Council discussion
7. Open public hearing
8. Following public input, close public hearing

Recommended Action: Motion to:

Conduct the public hearing as required.

The public hearing was held as required.

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meetings of November 6, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
Approved 3-0-0-4 (Sullivan, Coerper, Green, and Hardy – abstain)
- E-2. **(City Council) Approve Appointment of Duane Olson to Serve as Acting Fire Chief Beginning January 1, 2003 to Fill Position Vacated by Fire Chief Michael P. Dolder** (.) – Appoint Duane Olson to serve as Acting Fire Chief beginning January 1, 2003 to fill the position vacated by Michael P. Dolder. Submitted by the City Administrator.
Funding Source: Fiscal Year 02-03 budget (position is approved and part of the General Fund).
Approved 7-0
- E-3. **(City Council) Approve Site License Agreement between the City and Cingular Wireless for a Wireless Telecommunications Facility at Fire Station 6 – Edwards** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Site License Agreement between the City of Huntington Beach and Cingular Wireless* for a telecommunications facility at Fire Station 6 – Edwards, based on the terms and conditions as presented herein. Submitted by the Administrative Services Director and the Fire Chief/Director of Information Systems. Funding Source: Not applicable. This agreement will generate one-time revenues of \$20,000 plus \$1,500 a month in rent during the first year, with periodic annual rent increases thereafter.
Approved 7-0
- E-4. **(City Council) Approve Site License Agreement between the City and Cingular Wireless for a Wireless Telecommunications Facility at Greer Park** (600.10) – Approve and authorize the Mayor and City Clerk to execute the *Site License Agreement between the City of Huntington Beach and Cingular Wireless* for a telecommunications facility at Greer Park, based on the terms and conditions as presented herein. Submitted by the Administrative Services Director and the Fire Chief/Director of Information Systems. Funding source: Not applicable. This agreement will generate revenues of \$2,000 a month for the first year and will increase annually thereafter.
Approved 7-0
- E-5. **(City Council) Adopt Resolution No. 2002-125 Authorizing Application to the California Coastal Commission for a Whale Tail Grant** (.) – Adopt **Resolution No. 2002-125** – “A Resolution of the City Council of the City of Huntington Beach Authorizing Application to the California Coastal Commission for a Whale Tail Grant.” Submitted by the Public Works Director. Funding source: Potential California Coastal Commission grant valued at \$15,000. No matching funds are required.
Adopted 7-0

- E-6. **(City Council) Approve Reimbursement Agreement between the City and Makar Properties for Professional Planning, Engineering, Building, Legal and Fire Services Retroactive to October 1, 2002 (Makallon Atlanta Huntington Beach, LLC for Pacific City)** (600.10) [1. Approve and Authorize the Mayor and City Clerk to execute the *Reimbursement Agreement between the City of Huntington Beach and Makallon Atlanta Huntington Beach, LLC for Costs Incurred for Professional Planning, Engineering, Building, Legal and Fire Services*; and 2. Authorize acceptance of \$20,000 to cover professional planning services retroactive to October 1, 2002 of the current year. Submitted by the Planning Director. Funding source: Not applicable.
Approved 7-0
- E-7. **(City Council) Adopt Resolution No. 2002-127 Extending through December 2003 Temporary, Partially Paid Military Leave Benefits for City Employees Called to Active Duty with the Armed Forces (Adopted by Resolution No. 2001-03 on November 19, 2001)** (.) – Adopt **Resolution No. 2002-127** – “A Resolution of the City Council of the City of Huntington Beach Extending Resolution No. 2001-93 and Providing for Additional Temporary Partially Paid Military Leave of Absence and Continuation of Benefits for City Employees Called to Active Duty with the Armed Forces. Submitted by the City Administrator. Funding source: Pay and benefits are currently funded in the existing budget.
Adopted 7-0
- E-8. **(City Council) Approve Amendment No. 1 to the Lease Agreement between the City and Ruby’s Diner, Inc. for Ruby’s Restaurant at the Huntington Pier** (.)
Approve *Amendment No. 1 to Lease Between the City of Huntington Beach and Ruby’s Diner, Inc.*, effective June 1, 2002, with the terms and conditions as presented herein, and authorize the Mayor and City Clerk to execute the Amendment No. 1. Submitted by the Administrative Services Director and the Acting Community Services Director. Funding source: Not applicable.
Approved 7-0
- E-9. **(City Council) Approve Grant of Easement from the City to Southern California Edison for Underground Electrical Utilities at Huntington Beach Central Park Sports Complex** (.) – Authorize the Mayor and City Clerk to execute a *Grant of Easement* conveying a real property interest from the City of Huntington Beach to Southern California Edison. Submitted by the Administrative Services Director and the Public Works Director. Funding source: Not applicable.
Approved 7-0

E-10. (City Council) Approve Release of Substitute Bonds from The Robert Mayer Corporation to PCH Beach Resort, LLC and Approve Subdivision Agreement for Tract No. 15535 (Hyatt Regency Huntington Beach Resort and Spa) (.)

1. Release The Robert Mayer Corporation Subdivision Agreement and Bond Nos. SD00083619 and SD00083620, the securities furnished for Faithful Performance/Labor & Material and Monuments, respectively; and 2. Accept the *Subdivision Agreement by and between the City of Huntington Beach and PCH Beach Resort, LLC, for Tract No. 15535* and Bond Nos. B34231950 and B34231951, the securities furnished for Faithful Performance/Labor & Material and Monuments, respectively, and authorize the Mayor and City Clerk to execute the Subdivision Agreement and file the Bonds with the City Treasurer; and 3. Instruct the City Clerk to notify the previous developer, The Robert Mayer Corporation, of this action, and the City Treasurer to notify the bonding company, **Frontier Pacific Insurance Company**, of this action. Submitted by the Public Works Director.
Funding Source: Not applicable.

Approved 7-0

E-11. (City Council) Approve Amendment No. 1 to Professional Services Contract between the City and Atrilogy Solutions Group, Inc. for Information Systems Technical Support Personnel (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to the Professional Services Agreement between the City of Huntington Beach and Atrilogy Solutions Group, Inc. for Technical Support Personnel*. Submitted by the Fire Chief/Information Systems Director. Funding Source: A portion of the Information Systems – Professional Services Account current budget would be for the use of the Atrilogy Solutions Group, Inc. employees. In addition, there are funds budgeted for salary and benefits for staffing 17 Information Systems positions, 13 are currently vacant. No additional funds are needed.

Approved 7-0

E-12. (City Council) Approve Maddy Act Local Appointive List (Informs the Public of Openings and Vacancies on Boards, Committees, and Commissions which Expire in 2003) and Direct the City Clerk to Post This List (110.50) – Approve the Maddy Act Local Appointive List titled *City of Huntington Beach Boards, Commissions, Councils, Committee Terms which have Expiration Dates in 2003* showing vacancies which will occur on city boards and commissions in the year 2003 and direct the City Clerk to post the list at the official posting locations (Huntington Central Library, Civic Center, Main Street Library). Copies of the Maddy Act will also be posted at all branch libraries. Submitted by the City Clerk. Funding Source: Not Applicable.+

Approved 7-0

F. Administrative Items**F-1. (City Council) Review and Discuss DARE (Drug Abuse Resistance Education) to Consider Discontinuation of Services for the 2002-03 School Year, Second Semester and Continue to Seek Funding from Grants and Private Sources (.)**

Communication from the Chief of Police transmitting that in September 2002 the City Council approved the continuation of the DARE Program for the first school semester of the 2002-03 school year using funds that were donated to the Police Department. At that time, the City Council requested that staff return with the status of the program and potential funding for the second semester of the 2002-03 school year.

Recommended Action: Motion to:

Discontinue the DARE Program at the end of the first semester of the 2002-2003 school year. Continue to seek funding through grants and other private funding sources with the goal of re-instituting the program during the 2003-2004 school year. If funding for the program is not identified, permanently discontinue the program.

Motion Failed to continue decision in six weeks.

3-4 (Sullivan, Coerper, Green YES)

Approved Recommended Action to including continuing to try to obtain private funding to continue DARE on enough funding for reduced but still meaningful program.

4-3 (Sullivan, Green, Coerper NO)

F-2. (City Council) Adopt Administrative Regulation No. 416 (AR 416) Expanding the Policy for City Employees Re: Workplace Violence to Include Appointed and Elected Officials (.)

Communication from the Chief of Police transmitting that the City of Huntington Beach Administrative Regulation Number 416 (AR 416), the Workplace Violence Policy, was approved by the City Administrator and became effective on October 9, 2002. The policy applies to all City of Huntington Beach employees; however, it currently does not apply to elected and appointed city officials. Adoption of this policy by City Council will expand the policy's authority to these officials.

Recommended Action: Motion to:

Adopt AR 416, *Workplace Violence Policy*, to expand the policy's authority to the City of Huntington Beach elected and appointed officials.

Police Lieutenant Janet Perez presented Slide Report

Approved 7-0

F-3. (City Council) Adopt Resolution No. 2002-126 Approving a Side Letter to the Memorandum of Understanding between the City and the Police Officers' Association (POA) Regarding Health Insurance for Calendar Year 2003 (.)

Communication from the Assistant City Administrator and the Director of Administrative Services informing Council that as required by the 2000-2003 Huntington Beach Police Officers' Association Memorandum of Understanding, the City and the Police Officers' Association have come to a side letter of agreement regarding health insurance for calendar year 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-126** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Police Officers' Association, by Adopting the Side Letter of Agreement.”

Councilmember Coerper stated he will be abstaining from any consideration of Council actions pertaining to MOU or side letters between City and POA.

Adopted 6-0-0-1 (Coerper abstain)

F-4. (City Council) Adopt Resolution No. 2002-130 Approving a Side Letter to the Memorandum of Understanding between the City and the Police Management Association (PMA) Regarding Health Insurance for Calendar Year 2003 (.)

Communication from the Assistant City Administrator and the Director of Administrative Services informing Council that as required by the 2000-2003 Huntington Beach Police Management Association Memorandum of Understanding, the City and the Police Management Association have come to a Side Letter of Agreement regarding health insurance for calendar year 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-130** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Police Management Association, by Adopting the Side Letter of Agreement and Authorizing the City Administrator to Execute the Side Letter of Agreement.”

Adopted 6-0-1 (Coerper out of room)

F-5. (City Council) Adopt Resolution No. 2002-131 Approving a Side Letter to the Memorandum of Understanding between the City and the Huntington Beach Firefighters' Association (FFA) Regarding Health Insurance for Calendar Year 2003 (.)

Communication from the Assistant City Administrator and the Director of Administrative Services informing Council that as required by the 2000-2003 Huntington Beach Firefighters' Association Memorandum of Understanding, the City and the Firefighters' Association have come to a Side Letter of Agreement regarding health insurance for calendar year 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-131** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Firefighters' Association, by Adopting the Side Letter of Agreement and Authorizing the City Administrator to Execute the Side Letter of Agreement.”

Adopted 7-0

F-6. (City Council) Adopt Resolution No. 2002-132 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Management Employees' Organization (MEO) Covering the Period of December 21, 2002 to December 21, 2003 (.)

Communication from the Assistant City Administrator and the Director of Administrative Services transmitting a new Memorandum of Understanding between the City and the Huntington Beach Management Employees' Organization (MEO) covering the period of December 21, 2002 through December 20, 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-132** – “A Resolution of the City Council of the City of Huntington Beach Approving and Implementing the Memorandum of Understanding between the Huntington Beach Management Employees' Organization (MEO) and the City of Huntington Beach for 12/21/02 through 12/19/03.”

Adopted 5-2 (Sullivan, Boardman NO)

F-7. (City Council) Adopt Resolution No. 2002-133 Approving the Memorandum of Understanding (MOU) between the City and the Huntington Beach Municipal Employees' Association (MEA) Covering Calendar Year from December 21, 2002 to December 21, 2003 (Fiscal Years 2002-03 and 2003-04) (.)

Communication from the Assistant City Administrator and the Director of Administrative Services transmitting a new Memorandum of Understanding between the City and the Huntington Beach Municipal Employees' Association (MEA) covering the period of December 21, 2002 through December 20, 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-133** – “A Resolution of the City Council of the City of Huntington Beach Modifying Salary and Benefits for Fiscal Years 2002/2003 and 2003/2004 for Municipal Employees Association.”

Adopted 5-2 (Sullivan, Boardman NO)

F-8. (City Council) Adopt Resolution No. 2002-134 Approving a Side Letter to the Memorandum of Understanding between the City and the Huntington Beach Marine Safety Officers' Association (MSOA) Regarding Health Insurance for Calendar Year 2003 (.)

Communication from the Assistant City Administrator and the Director of Administrative Services informing Council that as required by the 2000-2003 Huntington Beach Marine Safety Officers' Association Memorandum of Understanding, the City and the Marine Safety Officers' Association have come to a Side Letter of Agreement regarding health insurance for calendar year 2003.

Recommended Action: Motion to:

Adopt **Resolution No. 2002-134** – “A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding between the City and the Huntington Beach Marine Safety Officers' Association, by Adopting the Side Letter of Agreement and Authorizing the City Administrator to Execute the Side Letter of Agreement.”

Adopted 7-0

G. Ordinances**G-1. Ordinances for Adoption - None****G-2. Ordinances for Introduction****G-2a. (City Council) Approve Introduction of Ordinance No. 3597 Amending the Contract with PERS (Public Employees' Retirement System) to Provide Benefits for Local Fire Members - Section 21574 (Fourth Level of 1959 Survivors) (640.10)**

Ordinance No. 3597 - *"An Ordinance of the City of Huntington Beach Authorizing an Amendment to the Contract between the City Council and the Board of Administration of the California Public Employees' Retirement System Regarding the Provision of Fourth Level of 1959 Survivor Benefits for Local Fire Members."* (Resolution of Intent No 2002-115 was adopted 11/18/02.)

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3597** by roll call vote.

Introduced 7-0

G-2b. (City Council) Approve Introduction of Ordinance No. 3598 Amending Chapter 9.76 of the Huntington Beach Municipal Code Relating to Discharging Weapons (640.10)

Ordinance No. 3598 - *"An Ordinance of the City of Huntington Beach Amending Chapter 9.76 of the Huntington Beach Municipal Code Relating to Discharging Weapons."*

Recommended Action: After City Clerk reads by title, approve introduction of **Ordinance No. 3598**, by roll call vote.

Introduced 7-0

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Mayor Connie Boardman****(City Council) Authorize the Mayor to Send a Letter of Request to the California Dept. of Fish and Game to Direct the Wildlife Conservation Board to Enter into Negotiations with the Bolsa Chica Landowners for Purchase of the Mesa with Proposition 50 Funds (. .)**

Communication from Mayor Connie Boardman submitting the following **Statement of Issue**: In November, voters approved Proposition 50, which includes the following language under Chapter 12, Section 79572(b)

“ . . . that the Wildlife Conservation Board shall give priority to the acquisition of not less than 100 acres consisting of upland mesa areas, including wetlands therein, adjacent to the State Ecological Reserve in the Bolsa Chica Wetlands in Orange County.”

Recommended Action: Motion to:

Authorize the Mayor to send a letter on behalf of the city to Mr. Bob Hight, Director of State Department of Fish and Game, urging him to direct the Wildlife Conservation Board to move forward in the negotiations with the landowners of the Bolsa Chica Mesa so that it may be acquired for the public good.

Approved 7-0

Council Comments - (Not Agendized)***Council***

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, January 6, 2003, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

Highly recommended attending Huntington Beach Concert Band in March 2003 stating that the Holiday Concert was wonderful.

Council/Agency Agendas and Minutes are Available at No Charge to the Public at the City Clerk's Office by Mail and Through Paid Subscription. Complete Agenda Packets are Available at the Central Library and Library Annexes on Friday Prior to Meetings. Video Tapes of Council Meetings are Available for Checkout at the Central Library at No Charge.

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